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Board of Vocational Nursing
and Psychiatric Technicians

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2006-1021

DEBRA SPAULDING,
a.k.a. DEBRA A. SPAULDING
a.k.a. DEBRA ANN SPAULDING
a.k.a. DEBRA ORTIZ
1245 Morning View Drive, Apt. 151
Escondido, CA 92026

A C C U S A T I O N

Vocational Nurse License No. VN 139117

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.
2. On or about January 20, 1988, the Board issued Vocational Nurse License Number VN 139117 to Debra Spaulding, also known as Debra A. Spaulding, Debra Ann Spaulding, and Debra Ortiz ("Respondent"). Respondent's vocational nurse license was in

1 full force and effect at all times relevant to the charges brought herein and will expire on
2 December 31, 2009, unless renewed.

3 STATUTORY PROVISIONS

4 2. Section 2875 of the Business and Professions Code ("Code") provides, in
5 pertinent part, that the Board may discipline the holder of a vocational nurse license for any
6 reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice
7 Act.

8 3. Section 2878 of the Code states, in pertinent part:

9 The Board may suspend or revoke a license issued under this chapter
10 [the Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for
any of the following:

11 (a) Unprofessional conduct...

12

13 (f) Conviction of a crime substantially related to the qualifications,
14 functions, and duties of a licensed vocational nurse, in which event the record
of the conviction shall be conclusive evidence of the conviction.

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16 (j) The commission of any act involving dishonesty, when that action
17 is related to the duties and functions of the license.

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19 4. Section 2878.5 of the Code states:

20 In addition to other acts constituting unprofessional conduct within
the meaning of this chapter [the Vocational Nursing Practice Act] it is
21 unprofessional conduct for a person licensed under this chapter to do any of
the following:

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23 (b) Use any controlled substance as defined in Division 10 of the Health
24 and Safety Code, or any dangerous drug as defined in Article 8 (commencing with
Section 4210) of Chapter 9 of Division 2 of this code, or alcoholic beverages, to
25 an extent or in a manner dangerous or injurious to himself or herself, any other
person, or the public, or to the extent that such use impairs his or her ability to
26 conduct with safety to the public the practice authorized by his or her license.

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1 (c) Be convicted of a criminal offense involving possession of any
2 narcotic or dangerous drug, or the prescription, consumption, or self-administration
3 of any of the substances described in subdivisions (a) and (b) of this section, in
4 which event the record of the conviction is conclusive evidence thereof.

5 (d) Be committed or confined by a court of competent jurisdiction for
6 intemperate use or addiction to the use of the substances described in subdivisions
7 (a) and (b) of this section, in which event the court order of commitment or
8 confinement is prima facie evidence of such commitment or confinement.

9

10 5. Section 490 of the Code provides, in pertinent part, that the Board may
11 suspend or revoke a license when it finds that the licensee has been convicted of a crime
12 substantially related to the qualifications, functions or duties of a licensed vocational nurse.

13 6. Section 125.3 of the Code provides, in pertinent part, that the Board may
14 request the administrative law judge to direct a licensee found to have committed a violation or
15 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
16 and enforcement of the case.

17 7. California Code of Regulations, title 16, section 2521, states:

18 For the purposes of denial, suspension, or revocation of a license pursuant
19 to Division 1.5 (commencing with section 475) of the Business and Professions
20 Code, a crime or act shall be considered to be substantially related to the
21 qualifications, functions or duties of a licensed vocational nurse if to a
22 substantial degree it evidences present or potential unfitness of a licensed
23 vocational nurse to perform the functions authorized by his license in a
24 manner consistent with the public health, safety, or welfare. Such crimes
25 shall include but not be limited to those involving the following:

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27 (c) Violating or attempting to violate, directly or indirectly,
28 or assisting in or abetting the violation of, or conspiring to violate
any provision or term of Chapter 6.5, Division 2 of the Business and
Professions Code.

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1 8. California Code of Regulations, title 16, section 2522.5, states:

2 (a) When considering the suspension or revocation of a license
3 on the ground that a licensed vocational nurse has been convicted of a crime,
4 the Board, in evaluating the rehabilitation of such person and his eligibility
5 for a license will consider the following criteria:

6 (1) Nature and severity of the act(s) or offense(s).

7 (2) Total criminal record.

8 (3) The time that has elapsed since commission of the act(s) or
9 offense(s).

10 (4) Whether the licensee has complied with any terms of parole,
11 probation, restitution, or any other sanctions lawfully imposed against the
12 licensee.

13 (5) If applicable, evidence of expungement proceedings pursuant to
14 Section 1203.4 of the Penal Code.

15 (6) Evidence, if any, of rehabilitation submitted by the licensee.

16

17 FIRST CAUSE FOR DISCIPLINE

18 (Conviction of a Crime Substantially Related)
19 (March 2002 - Driving Under the Influence of Alcohol and/or Drugs)

20 9. Respondent is subject to disciplinary action under Code sections 490,
21 2878(f), and California Code of Regulations, title 16, section 2521(c), in that on March 29, 2002,
22 in a criminal case entitled *People v. Debra Ann Spaulding*, in the Superior Court of California,
23 County of San Diego, Central Division, Case No. M858586, Respondent was convicted by the
24 Court on her plea of no contest of violating Vehicle Code sections 23152(a) (driving under the
25 influence of alcohol and/or drugs), a misdemeanor. The circumstances are as follows:

26 a. On or about March 1, 2002, Respondent was arrested for driving under the
27 influence of an alcoholic beverage.

28 b. As a result of the above conviction, Respondent was sentenced to five
years summary probation, ordered to pay \$1,100 in fines, and ordered to serve 180 days custody
time. Respondent was also ordered to pay restitution to her victims, ordered not to drive with
any measurable amount of alcohol and/or drugs in her system, and to submit to any test at the

1 request of a police officer. Respondent's license was restricted for 90 days and ordered to only
2 drive to and from work, school, court ordered activities and in course of employment.
3 Respondent was further ordered not to drive without a valid driver's license and liability
4 insurance.

5 SECOND CAUSE FOR DISCIPLINE

6 (Conviction of a Crime Substantially Related)
7 (February 2004 - Driving When Privilege Suspended/Revoked)

8 10. Respondent is subject to disciplinary action under Code sections 490,
9 2878(f), and California Code of Regulations, title 16, section 2521(c), in that on February 18,
10 2004, in a criminal case entitled *People v. Debra Ann Spaulding*, in the Superior Court of
11 California, County of San Diego, East County Division, Case No. K920903, Respondent was
12 convicted by the Court on her plea of guilty of violating Vehicle Code section 14601(a) (driving
13 when privilege suspended or revoked), a misdemeanor, and Vehicle Code section 27315(d)
14 (driving a motor vehicle upon a highway without a safety belt), a misdemeanor. The
15 circumstances are as follows:

16 a. On or about August 31, 2003, Respondent was stopped by San Diego
17 Sheriff's Officers while driving a motor vehicle and issued citation No. 920903 for driving while
18 on a suspended license and driving without a seat belt. Respondent was ordered to appear on
19 October 30, 2003.

20 b. As a result of the above convictions, Respondent was ordered to pay \$460
21 in fines, \$325 of which ordered to be paid by performing 56 hours volunteer work by March 26,
22 2004. Fines and assessments were suspended for one year and Respondent was committed to the
23 Serenity House Rehabilitation Program.

24 THIRD CAUSE FOR DISCIPLINE

25 (Conviction of a Crime Substantially Related)
26 (August 2004 - Driving When Privilege Suspended/Revoked)

27 11. Respondent is subject to disciplinary action under Code sections 490,
28 2878(f), and California Code of Regulations, title 16, section 2521(c), in that on

1 August 26, 2004, in a criminal case entitled *People v. Debra Ann Spaulding*, in the Superior
2 Court of California, County of San Diego, East County Division, Case No. J590990, Respondent
3 was convicted by the Court on her plea of guilty of violating Vehicle Code section 14601(a)
4 (driving when privilege suspended or revoked), a misdemeanor, at which time Respondent
5 admitted violation of probation. The circumstances are as follows:

6 a. On or about March 30, 2004, Respondent was stopped by officers while
7 driving a motor vehicle and issued Citation No. 590990 for driving when privilege suspended or
8 revoked and for driving under the influence of alcohol. Respondent was ordered to appear on
9 June 1, 2004.

10 b. As a result of the above conviction, Respondent was ordered to pay a fine
11 of \$1,045 and committed to the Serenity House Rehabilitation Program.

12 FOURTH CAUSE FOR DISCIPLINE

13 (Conviction of a Crime Substantially Related)
14 (May 2006 - Driving When Privilege Suspended/Revoked)

15 12. Respondent is subject to disciplinary action under Code sections 490,
16 2878(f), and California Code of Regulations, title 16, section 2521(c), in that on May 30, 2006,
17 in a criminal case entitled *People v. Debra Ann Spaulding*, in the Superior Court of California,
18 County of San Diego, East County Division, Case No. C255617, Respondent was convicted by
19 the Court on her plea of guilty of violating Vehicle Code section 14601(a) (driving when
20 privilege suspended or revoked), a misdemeanor. The circumstances are as follows:

21 a. On or about October 25, 2005, Respondent was stopped by San Diego
22 Sheriff's Officers while driving a motor vehicle and issued Citation No. 179607 for driving while
23 on a suspended license, for having an open container of alcohol in the vehicle and for delaying an
24 officer. Respondent was ordered to appear on December 29, 2005.

25 b. As a result of the above conviction, Respondent's probation was extended
26 to May 29, 2009, and ordered to pay a fine of \$1,035.

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1 FIFTH CAUSE FOR DISCIPLINE

2 (Conviction Related to the Consumption of Alcoholic Beverages)

3 13. Respondent is subject to disciplinary action pursuant to Code section
4 2878.5, subdivision (c), on the grounds of unprofessional conduct in that on or about March 29,
5 2002, Respondent was convicted of a criminal offense involving the consumption of alcoholic
6 beverages, as set forth in paragraph 9, above, and incorporated herein by reference.

7 SIXTH CAUSE FOR DISCIPLINE

8 (Commission of An Act Involving Dishonesty)

9 14. Respondent is subject to disciplinary action under Code section 2878(j) in
10 that she committed an act of dishonesty on or about October 25, 2005, when Respondent was
11 dishonest in her answers to officers in an attempt to conceal the fact that she was driving on a
12 suspended license and had warrants out for her arrest, as set forth in paragraph 12, above, and
13 incorporated herein by reference.

14 SEVENTH CAUSE FOR DISCIPLINE

15 (Confinement or Committal for Addiction)

16 15. Respondent is subject to disciplinary action under Code section 2878.5(d)
17 in that on February 18, 2004 and again on August 26, 2004, in criminal cases entitled *People v.*
18 *Debra Ann Spaulding*, in the Superior Court of California, County of San Diego, East County
19 Division, Case Nos. K920903 and J590990, respectively, Respondent was ordered by the court to
20 reside for a period of time at Serenity House, a recovery residential home, as is more fully
21 described in paragraphs 10 and 11, above, and incorporated herein by reference.

22 PRAYER

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein
24 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
25 Technicians issue a decision:

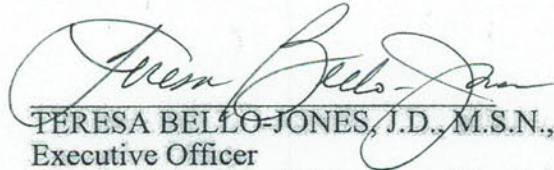
26 1. Revoking or suspending vocational nurse license number VN 139117
27 issued to Debra Spaulding, aka Debra A. Spaulding, aka Debra Ann Spaulding, aka Debra Ortiz;

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1 2. Ordering Debra Spaulding, aka Debra A. Spaulding, aka Debra Ann
2 Spaulding, aka Debra Ortiz, to pay the Board of Vocational Nursing and Psychiatric Technicians
3 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
4 Professions Code section 125.3;

5 3. Taking such other and further action as deemed necessary and proper.

6 DATED: May 16, 2008.

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9 TERESA BELLO-JONES, J.D., M.S.N., R.N.
10 Executive Officer
11 Board of Vocational Nursing and Psychiatric Technicians
12 Department of Consumer Affairs
13 State of California
14 Complainant
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